

**THE MINUTES OF THE HOUSE STANDING COMMITTEE
ON
JUDICIARY**

Wednesday, October 19, 2005

10:30 a.m.

Room 308 House Office Building

The House Standing Committee on Judiciary was called to order by **Representative William Van Regenmorter**, Chair.

MEMBERS PRESENT: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith.

MEMBERS ABSENT/EXCUSED: Representative McConico.

Representative Condino moved to adopt the minutes of the **October 12, 2005** meeting. The motion was supported by **Representative Schuitmaker**. There being no objection, the motion prevailed by unanimous consent.

Chairman Van Regenmorter laid **HB 5275** and **HB 5276** before the committee:

HB 5275	Newell	Law enforcement; law enforcement information network (LEIN); L.E.I.N. policy council act; revise.
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HB 5276	Nofs	Law enforcement; records; information disseminated from criminal history database; clarify.
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Representative Newell, sponsor of HB 5275, explained his bill to the committee and testified in support of HB 5276.

Chairman Van Regenmorter laid **HB 5277** before the committee:

HB 5277	Condino	Law enforcement; law enforcement information network (LEIN); information on LEIN regarding defendant; allow certain parties to share with defendant or defendant's attorney.
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Representative Condino, sponsor of HB 5277, explained his bill to the committee.

Chairman Van Regenmorter laid **SB 648** before the committee:

SB 648 Basham Law enforcement; law enforcement information network (LEIN); reference to L.E.I.N. policy council act; revise to criminal justice information systems policy council act.

Andrea Cascarilla, from Senator Basham's office, testified in support of the bill.

Jeff Sauter, Eaton County Prosecuting Attorney, testified in support HB 5276, HB 5275, HB 5277 and SB 648.

Jim Valentine, Lowell Police Department Chief, representing the Criminal Justice Information Systems Policy Council, testified in support of HB 5276, HB 5275, HB 5277 and SB 648.

Peter Psarouthakis, representing the Michigan Contract Security Association, submitted a card in support of SB 648 and did not wish to speak.

Ervis Portis, representing the Michigan Association of Chiefs of Police, submitted a card in support of HB 5275 and did not wish to speak.

Greg Zarotney, representing the Michigan State Police, submitted a card in support of HB 5275, HB 5276, HB 5277 and SB 648 and did not wish to speak.

Chairman Van Regenmorter laid **HB 5043** and **HB 5044** before the committee:

HB 5043 Schuitmaker Crimes; malicious destruction; damaging, destroying, or using telephone or computer equipment without authorization; prohibit and provide a penalty.

HB 5044 Schuitmaker Criminal procedure; sentencing guidelines; sentencing guidelines for crime of damaging, destroying, or using telephone or computer equipment without authorization; enact.

Representative Schuitmaker, sponsor of HB 5043 and HB 5044, explained her bills to the committee.

David Morse, Livingston County Prosecuting Attorney, testified in support of the bills.

Peter Psarouthakis, representing the Michigan Council of Private Investigators, testified in support of HB 5043.

Stephanie Wuttke, representing the Michigan Coalition Against Domestic and Sexual Violence, submitted a card in support of HB 5043 and did not wish to speak.

The committee returned to the consideration of **HB 5275**.

Representative Condino moved to adopt the substitute (**H-1**) to **HB 5275**. The motion was supported by **Representative Jones**.

The motion prevailed by a vote of **14-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

Representative Nofs moved to report **HB 5275** with recommendation, as substitute (**H-1**). The motion was supported by **Representative Newell**.

The motion prevailed by a vote of **13-0-1**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda,

Nays: None,

Pass: Representative Virgil Smith.

The committee returned to the consideration of **HB 5276**.

Representative Nofs offered the following amendment to **HB 5276**:

1. Amend page 2, following line 2, by inserting:

"Enacting section 1. This amendatory act takes effect February 1, 2006.".

Representative Newell moved to adopt the amendment. The motion was supported by **Representative Condino**.

The motion prevailed by a vote of **14-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

Representative Condino moved to report **HB 5276** with recommendation, as substitute (**H-1**). The motion was supported by **Representative Bieda**.

The motion prevailed by a vote of **14-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

The committee returned to the consideration of **HB 5277**.

Representative Bieda moved to adopt the substitute **(H-1)** to **HB 5277**. The motion was supported by **Representative Schuitmaker**.

The motion prevailed by a vote of **14-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,
Nays: None,
Pass: None.

Representative Condino moved to report **HB 5277** with recommendation, as substitute **(H-1)**. The motion was supported by **Representative Jones**.

The motion prevailed by a vote of **14-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,
Nays: None,
Pass: None.

The committee returned to the consideration of **SB 648**.

Representative Condino moved to adopt the substitute **(H-1)** to **SB 648**. The motion was supported by **Representative Bieda**.

The motion prevailed by a vote of **14-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,
Nays: None,
Pass: None.

Representative Lipsey moved to report **SB 648** with recommendation, as substitute **(H-1)**. The motion was supported by **Representative Stakoe**.

The motion prevailed by a vote of **14-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,
Nays: None,
Pass: None.

The committee returned to the consideration of **HB 5043**.

Representative Schuitmaker offered the following amendments to **HB 5043**:

1. Amend page 2, line 13, after "**ANY**" by inserting "**ELECTRONIC**".
2. Amend page 2, line 21, after "**ANY**" by inserting "**ELECTRONIC**".
3. Amend page 2, line 21, after "**NOT**" by inserting "**WILLFULLY AND MALICIOUSLY**".
4. Amend page 2, line 27, after "**ANY**" by inserting "**ELECTRONIC**".
5. Amend page 3, line 4, by striking out "**MISDEMEANOR**" and inserting "**FELONY**".
6. Amend page 4, following line 8, by inserting:
"Enacting section 1. This amendatory act takes effect February 1, 2006."

Representative Nofs moved to adopt the amendments. The motion was supported by **Representative Newell**.

The motion prevailed by a vote of **14-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,
Nays: None,
Pass: None.

Representative Nofs moved to report **HB 5043** with recommendation, as substitute (**H-1**). The motion was supported by **Representative Elsenheimer**.

The motion prevailed by a vote of **14-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,
Nays: None,
Pass: None.

The committee returned to the consideration of **HB 5044**.

Representative Newell offered the following amendments to **HB 5044**:

1. Amend page 3, line 1, after "**USING**" by striking out "**TELEPHONE OR COMPUTER EQUIPMENT**" and inserting "**ELECTRONIC MEDIUM OF COMMUNICATION**".
2. Amend page 4, following line 3, by inserting:
"Enacting section 1. This amendatory act takes effect February 1, 2006." and renumbering the remaining enacting section.

Representative Newell moved to adopt the amendments. The motion was supported by **Representative Bieda**.

The motion prevailed by a vote of **14-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

Representative David Law moved to report **HB 5044** with recommendation, as substitute (**H-1**). The motion was supported by **Representative Condino**.

The motion prevailed by a vote of **14-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

Representative Condino moved to excuse **Representative McConico** from committee. The motion was supported by **Representative Bieda**. There being no objection, the motion prevailed by unanimous consent.

There being no further business to come before the committee, the Chair adjourned the meeting at 11:20 a.m.

Representative William Van Regenmorter, Chair
House Standing Committee on Judiciary
Malika Abdur-Rashid
Committee Clerk
517-373-7256
50 minutes